

Planning and Zoning Commission Meeting

Minutes of February 7, 2007

Work Session (1st Floor; Public Works) – 4:00 PM

The Commission and staff reviewed the agenda and discussed continuing the steep slopes and homestay sign wording amendments, as well as considering the Urban Place wording amendment simultaneously with the proposed Urban Place rezonings and hearing the code enforcement wording amendment before the landscaping amendment. There was discussion of the upcoming retreat on steep slopes by the Commission and staff. Tom Rightmyer of CAN announced an upcoming CAN Congress on May 5, 2007.

Regular Session (1st Floor; Public Works) – 5:00 PM

Call to Order: Chairman Byers called the meeting to order at 5:06 PM.

Attendance:

Members Present:
Tom Byers, Chair
Steve Sizemore, Vice-Chair
Darryl Hart
Cindy Weeks
David Young

Member(s) Absent:
Buzzy Cannady
Jerome Jones

Mr. Byers called for action on the minutes of January 3 and 18, noting a speaker name misspelling in the January 3 minutes. On motion by Mr. Sizemore, with a second by Ms. Weeks, the minutes were approved unanimously (5-0), with the change mentioned by Mr. Byers.

Mr. Byers noted the following adjustments to the agenda:

1. UDO amendment/Urban Place district – to be considered simultaneously with the Urban Place rezonings
2. UDO amendment/Homestay signs - to be continued to March 7, 2007 at request of CAN
3. UDO amendment/Steep slope, etc. ordinance changes - to be continued to March 7, 2007

Mr. Byers called for action to continue items 2 and 3 above to March 7, 2007. Mr. Sizemore moved to continue these items; the motion was seconded by Mr. Hart and it passed unanimously (5-0).

Mr. Byers reviewed the agenda and the public hearing procedures.

Agenda Item		
Level III site plan for the project identified as Northview at Biltmore Lakes Phase II, located on Enka Lake Road. The project will include 251 apartment units on 33.26 acres. The owner is Faison Northview, LLC and the contact is Will Buie. PIN 9617.17-00-5848.		
Staff Comments	Alan Glines oriented the Commission and audience to the site location and provided the staff report. He answered Commission questions regarding a tree survey, the urban service condition and unit affordability.	
Public Hearing Opened		5:30 PM
Applicant(s)/Applicant Representative(s)	<ul style="list-style-type: none">• Craig Justus, applicant’s representative, presented the proposal and requested clarification on any affordability conditions.• Wyatt Dixon, applicant, noted the vegetation protection and proposed building facades of the project.	
Public Comments		
None		
Public Hearing Closed		5:45 PM
Commission Comments/Discussion		
There was Commission discussion and questions about site plan, affordability, developer willingness to convert some 3BR units to efficiencies (with additional units), and fencing of the quarry to prevent children’s access. It was clarified that there were no housing affordability requirements established for the development.		
Commission Action		
Ms. Weeks moved to recommend approval of the project subject to TRC and staff conditions and with the added suggestion that staff and the developer work together to determine if there could be smaller units having lower price points added to the project, up to an additional 10% increase in the number of units. Mr. Sizemore seconded the motion. The motion was approved unanimously (5-0).		

Agenda Item																	
<p>1. Consideration to rezone properties located <u>Craven Street, Roberts Street, W. Haywood Street, Riverside Drive and Thompson Street (11 lots)</u> from River District to Urban Place District. The property owners are: French Broad River Group, Urvana, LLC, Cambodie, LTD, Pattyi Torno, Mica Village, LLC, NC DOT & City of Asheville, Western Realty, LLC, Evro Enterprises, Dalton Investors, LLC, and Piedmont Paper Company. Properties are identified in the Buncombe County Tax records as PINs:</p> <table> <tr> <td>9638.08-78-8000</td><td>9638.08-98-0544</td><td>9648.20-70-5638</td></tr> <tr> <td>9638.08-78-9162</td><td>9638.12-96-8812</td><td>9648.20-80-4966</td></tr> <tr> <td>9638.08-88-1255</td><td>9648.20-70-7814</td><td>9648.20-81-8234</td></tr> <tr> <td>9638.08-98-0734</td><td>9648.20-70-8625</td><td>9638.08-97-0949</td></tr> <tr> <td></td><td></td><td>9648.20-80-1902</td></tr> </table>			9638.08-78-8000	9638.08-98-0544	9648.20-70-5638	9638.08-78-9162	9638.12-96-8812	9648.20-80-4966	9638.08-88-1255	9648.20-70-7814	9648.20-81-8234	9638.08-98-0734	9648.20-70-8625	9638.08-97-0949			9648.20-80-1902
9638.08-78-8000	9638.08-98-0544	9648.20-70-5638															
9638.08-78-9162	9638.12-96-8812	9648.20-80-4966															
9638.08-88-1255	9648.20-70-7814	9648.20-81-8234															
9638.08-98-0734	9648.20-70-8625	9638.08-97-0949															
		9648.20-80-1902															
<p>2. Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville regarding <u>Revisions to Urban Place District</u></p>																	

Staff Comments	Alan Glines oriented the Commission and audience to the site location and provided the staff report. He noted that one property owner had requested removal of his property from the request. He explained the public involvement process that had led to the requested rezonings and the meetings held to address RiverLink comments from the previous Commission meeting. He answered Commission questions regarding process for involving property owners, floodplain requirement applicability, and River District safeguards added to the Urban Place District.	
Public Hearing Opened		6:07 PM
Applicant(s)/Applicant Representative(s)	See public comments below	
Public Comments		
Speaker Name	Issue(s)	
In opposition - Jim Cline (representing Jerry Sternberg)	Mr. Cline read a statement indicating that Mr. Sternberg was opposed to the rezonings due to a lack of understanding of the ramifications of the rezonings; he requested continuance.	
In support - Fred Black (Cotton Mill) - Joe Ferikes (Stockyard) - Alan Sheppard (Stockyard) - Brenda McLamb (Tobacco Warehouse) - Whitt Rylee - Regina Trantham (Mica plant) - Pattyi Torno (Curve Studio and WECAN Neighborhood Association)	<ul style="list-style-type: none">• Prefer more urban development• More residents = greater safety• More incentives for developers• Need for additional residential and commercial uses• Implements Dykeman and River Redevelopment plans• Supported by WECAN plan• Allows brownfield cleanup and redevelopment supported by EPA and Land of Sky Regional Council• Reflects River District Design Review Committee public process• Ms. McLamb had a question about impact on her property answered; she was not part of the rezoning request	
Public Hearing Closed		6:46 PM
Commission Comments/Discussion		
There was Commission discussion and questions about which property was City-owned, key distinctions between River and Urban Place districts, spot zoning, how property owners were notified, and potential negative consequences for floodplain development. Ms. Weeks indicated support for the changes as the area needs a market boost to spur redevelopment, the proposal implements various approved plans, and there have been changes to the Urban Place district to address environmental concerns. Mr. Sizemore relayed concerns expressed to him by Mr. Cannady, noting that Mr. Cannady requested continuance. Mr. Sizemore indicated support for the changes since they would promote redevelopment of blighted areas and the current zoning was clearly failing to spur development. Mr. Hart and Mr. Young noted that the change would serve as a stimulus for		

redevelopment.
Commission Action
Ms. Weeks moved to recommend approval of the Urban Place wording amendment. Mr. Sizemore seconded the motion. The motion was approved unanimously (5-0). Ms. Weeks moved to recommend approval of the Urban Place rezonings. Mr. Sizemore seconded the motion. The motion was approved unanimously (5-0).

Agenda Items		
Consideration to rezone properties located Craven Street, Roberts Street, W. Haywood Street, Riverside Drive and Thompson Street (11 lots) from River District to Urban Place District. The property owners are: French Broad River Group, Urvana, LLC, Cambodie, LTD, Pattyi Torno, Mica Village, LLC, NC DOT & City of Asheville, Western Realty, LLC, Evro Enterprises, Dalton Investors, LLC, and Piedmont Paper Company. Properties are identified in the Buncombe County Tax records as PINs:		
9638.08-78-8000	9638.08-98-0544	9648.20-70-5638
9638.08-78-9162	9638.12-96-8812	9648.20-80-4966
9638.08-88-1255	9648.20-70-7814	9648.20-81-8234
9638.08-98-0734	9648.20-70-8625	9638.08-97-0949
		9648.20-80-1902
Staff Comments	Alan Glines oriented the Commission and audience to the site location and provided the staff report.	
Public Hearing Opened	7:25 PM	
Public Comments		
None		
Public Hearing Closed	7:25 PM	
Commission Comments/Discussion		
None		
Commission Action		
Mr. Hart moved to recommend approval of the rezoning. Mr. Young seconded the motion. The motion passed unanimously (5-0).		

Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville regarding Adjustments to Enforcement Procedures.

Curt Euler provided a presentation on the proposed ordinance, answering Commission questions on noticing the property owner/landlord, whether listed measures were severe enough to encourage compliance, and how staff would apply the ordinance in the event of a violator who agreed to comply but needed more time. Mr. Byers opened and closed the public hearing at 7:39 PM as there was no public comment. Mr. Sizemore moved to recommend approval of the wording amendment. Mr. Hart seconded the motion. The motion passed unanimously (5-0).

Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville regarding Changes to the Landscape Standards.

Shannon Tuch provided a presentation on the proposed ordinance. Commission members praised Ms. Tuch and the process that developed the amendment. Mr. Byers opened and closed the public hearing at 7:45 PM as there was no public comment. Mr. Young moved to recommend approval of the wording amendment. Mr. Hart seconded the motion. The motion passed unanimously (5-0).

Ordinance amending Chapter 7 of the Code of Ordinances of the City of Asheville regarding New Requirements for Use and Dimensional Non-Conformities.

Scott Shuford presented the wording amendment staff report, answering Commission questions about adult establishments, telecommunications towers, and “impact” with the assistance of Mr. Oast and Ms. Tuch. Mr. Byers opened the public hearing at 8:12 PM. Tom Rightmyer indicated that this was an improvement over the current code. Mr. Byers closed the public hearing at 8:13 PM. Mr. Byers moved to recommend approval of the item with the addition of a definition for the term “impact” and resolving inconsistencies, if any, with regard to “communications towers” and “telecommunications towers”; the motion was seconded by Mr. Sizemore and carried unanimously (7-0).

Other Business

Mr. Shuford noted that the retreat would be March 1, 2007 and leave from Public Works. The Commission indicated a willingness to take up the Merrimon Avenue zoning study on March 22, 2007.

The Commission meeting was adjourned by consent at 8:25 PM.